

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

LEON PAT FERGUSON-EL,

Plaintiff,

v.

Civil Action No. **3:10CV577**

STATE OF VIRGINIA, et al.,

Defendants.

MEMORANDUM OPINION

Leon Pat Ferguson-El, a Moorish-American Virginia inmate proceeding pro se and in forma pauperis, filed this civil action. By Memorandum Opinion and Order entered on August 18, 2011, the Court dismissed the action as frivolous. On August 31, 2011, the Court received from Ferguson-El a document titled PETITION FOR OBJECTING TO ORDER. Because the PETITION FOR OBJECTING TO ORDER was filed within twenty-eight days of the entry of the August 18, 2011 Memorandum Opinion and Order, the Court will consider it as a motion for relief under Federal Rule of Civil Procedure 59(e). See Dove v. CODESCO, 569 F.2d 807, 809 (4th Cir. 1978).

"[R]econsideration of a judgment after its entry is an extraordinary remedy which should be used sparingly." Pac. Ins. Co. v. Am. Nat'l Fire Ins. Co., 148 F.3d 396, 403 (4th Cir. 1998) (internal quotation marks omitted). Relief under Rule 59(e) is appropriate "(1) to accommodate an intervening change in controlling law; (2) to account for new evidence not available at trial; or (3) to correct a clear error of law or prevent manifest

injustice." Hutchinson v. Staton, 994 F.2d 1076, 1081 (4th Cir. 1993) (citing Weyerhaeuser Corp. v. Koppers Co., 771 F. Supp. 1406, 1419 (D. Md. 1991); Atkins v. Marathon LeTourneau Co., 130 F.R.D. 625, 626 (S.D. Miss. 1990)).

Ferguson-El's PETITION FOR OBJECTING TO ORDER fails to satisfy any of the above grounds for relief. Rather, Ferguson-El continues to espouse the frivolous Redemptionist theories the Court rejected in the prior Memorandum Opinion and Order. Accordingly, Ferguson-El's PETITION FOR OBJECTING TO ORDER (Docket No. 26) WILL BE DENIED.

The Clerk is DIRECTED to send a copy of this Memorandum Opinion to Ferguson-El.

An appropriate Order shall issue.

Date: September 25, 2011
Richmond, Virginia

_____/s/ REP
Robert E. Payne
Senior United States District Judge